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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

| | |
|--------------------------|-------------------|
| Attorney Docket Number | IB-1826A |
| First Named Inventor | Ka-Ngo Leung |
| <i>COMPLETE IF KNOWN</i> | |
| Application Number | 10/656,848 |
| Filing Date | September 6, 2003 |
| Art Unit | 2817 |
| Examiner Name | Not Yet Assigned |

I herby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Negative ion source with external RF antenna

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 09/06/2003 as United States Application Number or PCT International

Application Number 10/656,848 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? Yes | Certified Copy Attached? No |
|-------------------------------------|---------|----------------------------------|--------------------------|------------------------------|-----------------------------|
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION — Utility or Design Patent Application

| | | | |
|--|--------------------|---|-------------------------------|
| Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 08076 | | OR <input type="checkbox"/> Correspondence address below | |
| Name | | | |
| Address | | | |
| City | | State | ZIP |
| Country | | Telephone | Fax |
| <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> | | | |
| NAME OF SOLE OR FIRST INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Ka-Ngo | | Family Name or Surname Leung | |
| Inventor's Signature  | | Date 12th Jan 2009 | |
| Residence: City Hercules | State CA | Country USA | Citizenship US |
| Mailing Address 109 Columbine Drive | | | |
| City Hercules | State CA | ZIP 94547 | Country USA |
| NAME OF SECOND INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Sami K. | | Family Name or Surname Hahto | |
| Inventor's Signature | | Date | |
| Residence: City Albany | State CA | Country USA | Citizenship Finland |
| Mailing Address 841 Washington Avenue, Unit A | | | |
| City Albany | State CA | ZIP 94706-1719 | Country USA |
| <input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto. | | | |

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DECLARATION — Utility or Design Patent Application

| | | | |
|--|-----------------|---|----------------------------|
| Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 08076 OR <input type="checkbox"/> Correspondence address below | | | |
| Name | | | |
| Address | | | |
| City | | State | |
| ZIP | | ZIP | |
| Country | | Telephone | |
| | | Fax | |
| <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> | | | |
| NAME OF SOLE OR FIRST INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Ka-Ngo | | Family Name or Surname Leung | |
| Inventor's Signature | | Date | |
| Residence: City Hercules | State CA | Country USA | Citizenship US |
| Mailing Address 109 Columbine Drive | | | |
| City Hercules | State CA | ZIP 94547 | Country USA |
| NAME OF SECOND INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Sami K. | | Family Name or Surname Hahto | |
| Inventor's Signature <i>Sami Hahto</i> | | Date 01/13/04 | |
| Residence: City Albany | State CA | Country USA | Citizenship Finland |
| Mailing Address 841 Washington Avenue, Unit A | | | |
| City Albany | State CA | ZIP 94706-1719 | Country USA |
| <input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) PTO/SB/02A or 02LR attached hereto. | | | |

DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental SheetPage 1 of 1

| | | | |
|---|-----------------|---|---------------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any) | | Family Name or Surname | |
| Sari T. | | Hahto | |
| Inventor's Signature | <i>S. Hahto</i> | | Date <u>1/13/04</u> |
| Residence: City Albany | State CA | Country USA | Citizenship Finland |
| Mailing Address 841 Washington Avenue, Unit A | | | |
| Mailing Address | | | |
| City Albany | | State CA | Zip 94706-1719 |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | Date | |
| Residence: City | State | Country | Citizenship |
| Mailing Address | | | |
| Mailing Address | | | |
| City | | State | Zip |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | Date | |
| Residence: City | State | Country | Citizenship |
| Mailing Address | | | |
| Mailing Address | | | |
| City | | State | Zip |

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Ka-Ngo Leung, Sami K. Haoto and Sari T. HaotoApplication No./Patent No.: 10/656,848 Filed/Issue Date: September 6, 2003Entitled: Negative ion source with external RF antennaThe Regents of the University of California, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or2. an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.**OR**B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

1-15-04David J. AstonDateTyped or printed name(510) 486-7058Da J. AstonTelephone numberSignatureChief Patent Counsel, LBNLTitle

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 26 2004

PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

| | |
|------------------------|--|
| Application Number | 10/656,848 |
| Filing Date | September 6, 2003 |
| First Named Inventor | Ka-Ngo Leung |
| Title | Negative ion source with external RF antenna |
| Art Unit | 2817 |
| Examiner Name | Not Yet Assigned |
| Attorney Docket Number | IB-1826A |

I hereby appoint:

Practitioners associated with the Customer Number:

08076

OR

Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number.

OR

The address associated with Customer Number:

| |
|--|
| |
|--|

OR

Firm or Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name David J. Aston

Signature David J. Aston

Date 1-15-04

Telephone (510) 486-7058

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commission r f r Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Office of the Laboratory Counsel
Ext. 7025 □ FAX 6498 □ MS: 50A-4112

December 2, 1998

DAVID ASTON
Manager, Patent Department

Re: AUTHORITY TO EXECUTE PATENT RELATED DOCUMENTS

This is to confirm in writing my delegation of authority to you to execute the documents listed below on behalf of The Regents of the University of California as operator of the Lawrence Berkeley National Laboratory.

Your granted authority includes the execution of Administrative Patent and Copyright-Related Documents in connection with the following functional activities: (a) evaluation of patents and other intellectual property for commercial potential; (b) requests to DOE for patent waiver and/or election of title; (c) request for DOE permission to copyright intellectual property; (d) the release of inventions to inventors; (e) patent application filing decisions; (f) the negotiation of intellectual property rights with outside industry and prospective licenses; and (g) any other matters with respect to intellectual property rights which arise as a result of activities carried out at LBL pursuant to DOE Contract DE-AC03-76SF00098, Modification No: M253, effective October 1, 1997.

You are also authorized to re-delegate your authority to execute documents to selected outside counsel insofar as signing papers to be filed in the U.S. Patent and Trademark Office, the Patent Cooperation Treaty Office, and any national patent office.


Glenn R. Woods
Laboratory Counsel



Lawrence Berkeley Laboratory
1 Cyclotron Road Berkeley, California 94720

Industry & Government Partnerships
Phone: (510) 486-7444 Fax: (510) 486-6866

July 24, 1995

To: Glenn Woods
Laboratory Counsel, Lawrence Berkeley Laboratory

From: Rod Fleischman *R. Fleischman*
Associate Laboratory Director, Administration

RE: REASSIGNMENT OF RESPONSIBILITY, AUTHORITY TO EXECUTE
PATENT-RELATED DOCUMENTS AND CERTAIN AGREEMENTS

Attached is a copy of a Reassignment of Responsibility-Administration of University Patent and Other Intellectual Property Matters, Lawrence Berkeley Laboratory, to me from Director Charles V. Shank, dated April 15, 1992. This is to confirm in writing my earlier delegation to you, under the authority provided me by that Reassignment of Responsibility. I have reassigned to you, as Laboratory Counsel, the authority to execute documents necessary for the administration of such intellectual property on behalf of the University including certain patent and copyright related documents and agreements. I grant this authority to facilitate your assistance to laboratory programs and staff in seeking to protect Laboratory generated intellectual property.

Your granted authority includes the execution of Administrative Patent and Copyright-Related Documents in connection with the following functional activities: (a) evaluation of patents and other intellectual property for commercial potential; (b) requests to DOE for intellectual property; (d) the release of inventions to inventors; (e) patent application filing decisions; (f) the negotiation of intellectual property rights with outside industry and prospective licensees; and (g) any other matters with respect to intellectual property rights which arise as a result of activities carried out at LBL pursuant to DOE Contract DE-AC03-76SF00098, Modification M061, dated September 18, 1987.

You may redelegate all or appropriate portions of the Administrative Patent and Copyright Related Documents authority to specialized personnel in the Laboratory Counsel's Office and to outside counsel in those instances involving documents filed in the U.S. Patent and Trademark Office, the Patent Cooperation Treaty Office, and in the national patent offices of any foreign country. In the event of your absence, Laboratory Deputy Director, Pier Oddone, or your appointed designee may sign on your behalf.

The authority to execute such documents granted to you is subject to the restrictions set forth herein as well as the restrictions imposed by the Reassignment of Responsibility from Laboratory Director Shank to me. All agreements are subject to your review and approval for legal sufficiency prior to final signature.

2

Finally, your actions under this reassignment are to be in conformance with the requirements of Contract DE-AC03-76SF00098 between the University of California and the U.S. Department of Energy.

April 15, 1992

TO: Rodney M. Fleischman
Associate Laboratory Director, Administration

FROM: Charles V. Shank, Director 

SUBJECT: Reassignment of Responsibility, Authority to Execute
Patent-Related Documents and Certain Agreements

Attached is a copy of a Reassignment of Responsibility-Administration of University Patent and Other Intellectual Property Matters, Lawrence Berkeley Laboratory, to former Director Shirley from Senior Vice President Brady, dated October 24, 1988. Effective immediately, under the authority provided me by that Reassignment of Responsibility, I am hereby reassigning to you, as Associate Laboratory Director, Administration, and official for the LBL Technology Transfer Office, the authority to execute documents necessary for the administration of such intellectual property on behalf of the University including certain patent and copyright related documents and agreements. I grant this authority to facilitate your assistance to laboratory programs and staff in seeking and identifying potential licensees and industrial collaborators for technology commercialization.

Your granted authority includes the execution of (1) Intellectual Property License Agreements and (2) Administrative Patent and Copyright-Related Documents in connection with the following functional activities: (a) evaluation of patents and other intellectual property for commercial potential; (b) requests to DOE for patent waiver and/or election of title; (c) request for DOE permission to copyright intellectual property; (d) the release of inventions to inventors; (e) patent application filing decisions; (f) the negotiation of intellectual property rights with outside industry and prospective licensees; (g) the identification of potential industry research collaborators and licensees; and (h) any other technology marketing matters with respect to intellectual property rights which arise as a result of activities carried out at LBL pursuant to DOE Contract DE-AC03-76SF00098, Modification M061, dated September 18, 1987.

You may redelegate all or appropriate portions of the Administrative Patent and Copyright Related Documents authority to specialized personnel in the Office of Technology Transfer and/or the Laboratory Counsel's Office. In the event of your absence, Laboratory Deputy Director, Pier Oddone, or your appointed designee may sign on your behalf.

4

Rodney M. Fleischman

April 15, 1992

Page Two

The authority to execute such documents granted to you is subject to the restrictions set forth herein as well as the restrictions imposed by the Reassignment of Responsibility from Senior Vice President Brady to me. All agreements are subject to review and approval by Laboratory Counsel for legal sufficiency prior to final signature.

Finally, your actions under this reassignment are to be in conformance with the requirements of Contract DE-AC03-76SF00098 between the University of California and the U.S. Department of Energy.

Attachment

cc: Senior Vice President Brady, UC
Associate Vice President, Business & Finance, UC
Director, Coordination and Review, UC
General Counsel of The Regents, UC
Deputy Director Oddone, LBL
Associate Laboratory Director Krebs, LBL
Laboratory Counsel Woods, LBL ←

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BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO

SANTA BARBARA • SANTA CRUZ



DAVID PIERPONT CARDNER
President

RONALD W. BRADY
Senior Vice President—
Administration

OFFICE OF THE PRESIDENT
BERKELEY, CALIFORNIA 94720

October 24, 1988

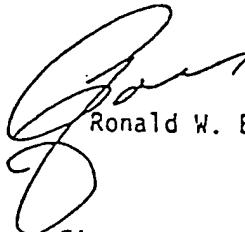
DAVID A. SHIRLEY, DIRECTOR
LAWRENCE BERKELEY LABORATORY

Reassignment of Responsibility--Administration of University Patent and Other
Intellectual Property Matters, Los Alamos National Scientific Laboratory LBL

Effective September 18, 1987, as Director, Lawrence Berkeley Laboratory, you are assigned responsibility at that Laboratory to implement policies and procedures on matters pertaining to intellectual property, including patents and tangible research products, and to execute documents necessary for the administration of such intellectual property, including those which may contain commitments existing longer than seven years, subject to conditions specified in the Bylaws and Standing Orders of The Regents of the University of California, subject to terms of applicable Regental and Presidential policies which are or may be established from time to time, and subject to the attached Reassignment of Responsibilities - Operating Guidelines, dated October 19, 1988. The Senior Vice President--Administration will remain responsible for preparing for the President's review annual and other reports to The Regents pertaining to patent and other intellectual property matters [See also Bylaw 12.3(k)].

The responsibility assigned to you for administration of intellectual property matters may not be reassigned. However, the responsibility to execute documents may be reassigned.

Any reassignment of the responsibility by you to execute documents shall be in writing with copies provided to the Associate Vice President--Business and Finance, the Director--Coordination and Review, the General Counsel of The Regents, and the Secretary of The Regents. Such reassignment shall be at least as restrictive as, but may be more restrictive than this reassignment to you.

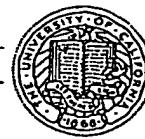

Ronald W. Brady

Attachment

cc: Associate Vice President--Business and Finance
Director--Coordination and Review
Director--Patent, Trademark, and Copyright
University Contract and Grant Coordinator

UNIVERSITY OF CALIFORNIA

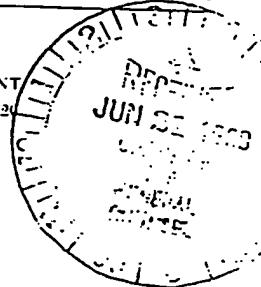
BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DAVID PIERPONT GARDNER
President

OFFICE OF THE PRESIDENT
BERKELEY, CALIFORNIA 94720



June 16, 1988

RONALD W. BRADY
SENIOR VICE PRESIDENT--ADMINISTRATION

Assignment of Responsibilities--Administration of Intellectual Property Matters

On June 15, 1988, I confirmed your authority to execute documents necessary for the administration of intellectual property. Your responsibilities with respect to administration of these matters are further specified in Section III.C. of the November 18, 1985 University of California Patent Policy.

Following extensive review, it has been agreed that responsibility for administration of certain aspects of intellectual property matters may be assigned to Chancellors and Laboratory Directors. Such arrangements may be proposed by a Chancellor or Laboratory Director, and are subject to your review and approval to ensure that appropriate controls are in place and that the arrangements are consistent with University intellectual property policies and procedures.

In order to implement a program of increased campus and Laboratory participation in the administration of intellectual property matters, effective immediately you are authorized to assign to Chancellors and Laboratory Directors, on an individual basis, those responsibilities you hold for administration of intellectual property matters to the extent necessary for them to administer the elements of the intellectual property program that are within their jurisdictions.

Responsibility assigned by you to Chancellors and Laboratory Directors for administration of intellectual property matters may not be reassigned by them; execution authority may be reassigned.

A handwritten signature of David Pierpont Gardner.

cc: Chancellors
Laboratory Directors
Members, President's Cabinet
Associate Vice President--Business and Finance
Director--Patent, Trademark, and Copyright Office
Director--Coordination and Review
Principal Officers of The Regents

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DA 0966 *7/11*

J. HOLST

SANTA BARBARA • SANTA CRUZ

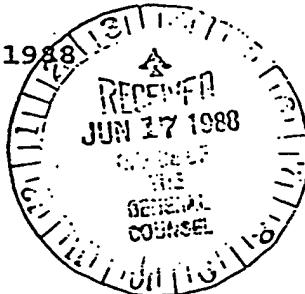
DAVID PIERPONT GARDNER
President



OFFICE OF THE PRESIDENT
BERKELEY, CALIFORNIA 94720

RONALD W. BRADY
SENIOR VICE PRESIDENT—ADMINISTRATION

June 15, 1988



Delegation of Authority--Execution of Documents for
Administration of University Patent and Other Intellectual
Property Matters

At the meeting of the Board on January 21, 1983, The Regents approved amendment of Standing Order 100.4, in pertinent part as follows:

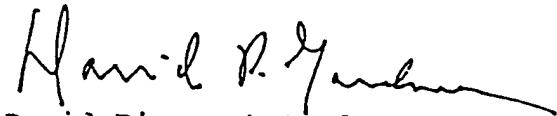
(gg) The President is authorized. . .to execute documents necessary for the administration of intellectual property, including those which may contain commitments existing longer than seven years. The President annually shall report to the Board on matters pertaining to intellectual property.

Effective immediately, the authority granted to the President as written above is delegated to you, subject to conditions specified elsewhere in the Bylaws and Standing Orders of The Regents and subject also to terms of applicable Regental and Presidential policies which are or may be established from time to time. In addition, you are responsible for preparing for my review annual and other reports to The Regents pertaining to patent and other intellectual property matters [see also Bylaw 12.3(k)].

Any redelegation of this authority and responsibility by you shall be in writing with copies provided to the Director--Coordination and Review and the General Counsel and the Secretary of the Regents. Such redelegation shall be at least as restrictive as, but may be more restrictive than, this delegation to you.

DA 0966

This delegation confirms your authority to execute documents necessary for the administration of intellectual property matters and supersedes the January 28, 1983 delegation (DA 0771) to the Vice President--Financial and Business Management.



David Pierpont Gardner

cc: Chancellors
Laboratory Directors
Members, President's Cabinet
Director--Coordination and Review
Principal Officers of The Regents

10/19/88

REASSIGNMENT OF RESPONSIBILITIES - OPERATING GUIDELINES

INTRODUCTION AND PURPOSE

This document constitutes an understanding between the Senior Vice President for Administration and the Director of Lawrence Berkeley Laboratory (LBL), implementing the reassignment of responsibility for certain patent operations from the Senior Vice President for Administration of the University to the Director of LBL.

Under that reassignment of responsibility and in the name of The Regents, the Laboratory will assign appropriate personnel to perform patent evaluations; make requests to DOE for waiver of title and/or elect title; release inventions to inventors; make patent applications filing decisions; negotiate patent rights clauses with research sponsors; execute patent assignment forms on behalf of The Regents of the University of California; and license patent rights to others with respect to those inventions which arise as a result of activities carried out at LBL pursuant to DOE Contract DE-AC03-76SF00098, Modification 061, dated September 18, 1987.

In accepting the assignment of responsibility, LBL will carry out the activities using its own or DOE's resources as appropriate; no University funds from a source other than loans from UC's Management Allowance for the DOE Laboratory contracts, or those generated from royalty or other income resulting from licensing or use of University owned Laboratory inventions shall be used for this purpose.

DOE LABORATORIES DISTINGUISHED FROM UC CAMPUSES

The conditions under which LBL is undertaking Laboratory related patent and licensing responsibility reflect the differing status of the Laboratory from University campus operations, e.g., a) no substantial University general funds other than UC Management Allowance funds are being expended for the research and development activities; b) the physical facilities were paid for by other than University funds; c) DOE has substantial authority in

determining for which inventions the University may hold title; d) DOE maintains a patent and licensing capability involved in technology transfer; and e) research programs are defined by DOE and Laboratory management rather than by individual researchers.

REVENUE AND COSTS

As a result of the aforementioned differences between Laboratories and Campuses and as expressed in Contracts with DOE, net income from licensing of inventions will remain at the Laboratory to be used as prescribed in 37 CFR 401, rather than being deposited in the University Patent Fund for eventual distribution of net proceeds by the University's Patent, Trademark and Copyright Office (UC PTCO). As set forth below, an appropriate portion of the UC's Management Allowance will be allocated to the UC PTCO budget to offset the costs of providing central policy and operating support to LBL.

APPLICABILITY OF UNIVERSITY POLICY

To the extent consistent with the prime contract, UC Patent Policy, and the policy stated in Business & Finance Bulletin Gen 1 and Contract & Grant Manual Chapter 11 shall apply to all University patent activities involving patenting and licensing of University owned rights, as well as patent clauses for agreements with non-governmental research sponsors.

PROPRIETARY INFORMATION

It is recognized that certain records of the University with respect to invention disclosures, patent applications and licenses may contain proprietary information. LBL will maintain its procedures to safeguard properly marked proprietary information to prevent unauthorized access and/or the use or misuse of such information, such as for personal gain.

TERM OF AGREEMENT/DISPOSITION OF RIGHTS

The effective date of the assignment of responsibility and the provisions of this document will be retroactive to

September 18, 1987, the date of final execution of the renewal of Contract DE-AC03-76SF00098, Modification 061, and coterminous therewith.

Any inventions disclosed in writing to DOE by the LBL patent group prior to the effective date of the assignment will be the responsibility of the UC PTCO; inventions so disclosed after the effective date will be the responsibility of LBL except that:

1. Inventions arising under research funding agreements signed before the date of contract renewal will be administered by the UC PTCO.
2. Any invention arising after the effective date of the contract renewal and constituting an improvement upon a UC-owned invention shall be administered by UC PTCO.

PORTFOLIO INTEGRITY

Decisions about waiving rights to inventors or granting approval to inventors to petition DOE for greater rights to their inventions will become the responsibility of LBL, unless the invention is one for which UC PTCO has licensing responsibility.

Close coordination between LBL and the UC PTCO will be needed to determine whether UC holds dominating or improvement patents with respect to the LBL disclosure.

LBL will coordinate with UC PTCO the disposition of rights relating to any joint invention arising between an LBL employee and another employee of UC or a third party.

In any LBL licensing agreements, language will be incorporated, in definitions, grant and/or warranty clauses, which limits the license to the specific invention arising at LBL. Particular care will be taken to assure that other background or foreground patent or trade secret rights assigned to The Regents in other parts of the corporate organization are not included directly or indirectly in any license issued by LBL.

LEGISLATIVE POLICY AND ANALYSIS

Legislative positions and analysis of legislative impact with respect to intellectual property will be carried out in accordance with University policy and practice.

COORDINATION WITH THE REGENTS GENERAL COUNSEL

Delegation of Authority

To the extent not already granted, an appropriate delegation of authority to Laboratory Counsel will be required from the General Counsel to LBL in order to carry out any legal activities, including litigation, to implement the reassignment from the Vice President for Administration. Unless specifically delegated, General Counsel will retain the responsibility of approval as to legal form of LBL options, licenses, research agreements, etc., and the responsibility for all litigation.

Retention of Outside Counsel

Outside patent counsel may be used by LBL only after retention by General Counsel. In order to avoid conflicts of interest, the PTCO shall have the opportunity to concur in the proposed appointment of any particular firm or counsel for patent prosecution or litigation.

Litigation

Litigation strategy, progress, and funding will be coordinated with the Office of the General Counsel and PTCO.

ADMINISTRATION

Administration Overhead and State Share of Income

No 15 percent administrative overhead will be charged LBL but will be used in inventor share calculations as required by UC Policy. The UC PTCO will receive an allocation from the UC Management Allowance, for the maintenance of a capability to deal with Laboratory issues.

Because of the unique nature of LBL and its receipt of DOE rather than State of California funding, LBL's payment of the state share of royalty income is not applicable.

Federal Reporting

LBL shall continue to carry out its function of providing invention disclosures to the Department of Energy and to carry out annual reporting to government agencies on LBL elected inventions in an established reporting format and shall provide the UC PTCO with a copy of the report. The UC PTCO shall be responsible for reporting to agencies on inventions handled by UC PTCO, with a copy provided to LBL.

Internal Administration/Record Keeping

Details regarding the structure of internal reports, prosecution status codes, technology categories, etc., remain to be arranged. Ideally, LBL's practices should be compatible with current UC PTCO forms and methods.

Financial, Accounting and Reporting Practices

To the extent possible under Contract DE-AC03-76SF00098, LBL's accounting practices will be consistent with those of UC PTCO. Books will be kept to account for expenses and revenues for individual inventions and reports generated which identify individual accounting items.

For inventions where LBL elects to retain title on behalf of the University, the following operating procedures will be used:

1. LBL annually will submit to The Senior Vice President for Administration a proposed itemized budget for LBL patent operations. The budget is to be provided by May 15, each year for the following fiscal year of the University. The Office of the President will allocate funds from the UC Management Allowance to cover the budget until income surplus is adequate to cover the budget.

PATENT ASSIGNMENTS

The Laboratory Director or his designee will execute the "Approved and Consented" statement in the patent assignment form for patent applications on which DOE retains title to the invention.

GENERAL COORDINATION

LBL and the UC PTCO will hold periodic coordinating meetings as mutually agreed. LBL and the UC PTCO will cooperate and coordinate as required in all matters affecting intellectual property.